

1 **WO**

2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
8

9
10 United States of America,)
11)
12 Plaintiff/Respondent,)
13 vs.)
14 Alvaro Mendoza-Romero,)
15 Defendant/Movant.)

No. CV-09-0129-PHX-PGR (LOA)
No. CR-08-0871-PHX-PGR

ORDER

15 Pending before the Court is Magistrate Judge Anderson's Report and
16 Recommendation (doc. #13), filed September 28, 2009, wherein he recommends
17 that the defendant/movant's motion filed pursuant to 28 U.S.C. § 2255 be denied.
18 Magistrate Judge Anderson expressly advised the parties in the Report and
19 Recommendation that they had ten days from the date of service of the Report
20 and Recommendation in which to file specific objections to it. A review of the
21 record establishes that neither party has to date filed any objection to the Report
22 and Recommendation and their time for doing so has expired.¹

23 The statute governing the Court's duty in reviewing a magistrate judge's
24

25
26
1

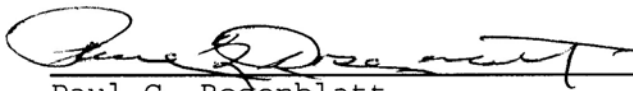
The Court's docket establishes that the Clerk of the Court mailed a
copy of the Report and Recommendation to the defendant/movant at his address
of record on September 28, 2009.

1 report and recommendation, 28 U.S.C. § 636(b)(1), makes it clear that a district
2 judge is obligated to conduct a *de novo* if an objection is made, “but not
3 otherwise.” United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir.2003) (*en*
4 *banc*); accord, Wang v. Masaitis, 416 F.3d 992, 1000 n.13 (9th Cir.2005) (“Of
5 course, de novo review of a R & R is only required when an objection is made to
6 the R & R.”) Since no objections to the Report and Recommendation have been
7 filed in this action, the Court declines to conduct a *de novo* review. Therefore,

8 IT IS ORDERED that the Report and Recommendation (doc. #13) is
9 accepted and adopted by the Court.

10 IT IS FURTHER ORDERED that the defendant/movant’s Amended Motion
11 Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in
12 Federal Custody (doc. #9 in CV-09-0129-PHX-PGR) is denied and that this action
13 is dismissed. The Clerk of the Court shall enter judgment accordingly.

14 DATED this 10th day of November, 2009.

15
16
17 
18 Paul G. Rosenblatt
United States District Judge
19
20
21
22
23
24
25
26